

Camden County Board of Commissioners

Regular Meeting

November 5, 2007

8:00 A.M.

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, November 5, 2007 at 8:00 a.m. in the Historic Courtroom, Courthouse Complex, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Commissioners Melvin J. Jeralds, Sandy Duckwall and Mike Andrews

Vice Chairman Philip Faison was absent due to a previously scheduled meeting with Albemarle Mental Health.

Also present was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus and County Attorney John Morrison.

Chairman Jeffrey Jennings called the meeting to order and upon request, Commissioner Melvin Jeralds gave the invocation and led those assembled in the Pledge of Allegiance.

NCDOT –Presentation of Secondary Roads Improvement Program

Jerry Jennings, acting Division Engineer for NCDOT, reviewed the FY2007-2008 Secondary Roads Improvement Program with a total project funding of \$241,888.23 for Camden County.

Commissioner Mike Andrews inquired regarding the status of Muddy Road, to which Jerry Jennings replied there is a right of way issue.

Commissioner Melvin Jeralds inquired what could NCDOT do to prepare for the paving of Wesley Road due to the cemeteries on both sides.

A NCDOT representative replied that they will readdress the right of way issues but wanted the county to know that paving Wesley Road will not improve the drainage.

Chairman Jeffrey Jennings inquired regarding the status of Cedar Branch Road.

Gretchen Byrum informed the Board that she will provide information at a later date to the Board regarding Cedar Branch Road.

Commissioner Mike Andrews requested a list of property owners on Muddy Road that NCDOT is having problems obtaining right of ways.

Public Comments

Chairman Jeffrey Jennings called for any comments from the public.

Hearing no comments, Chairman Jeffrey Jennings proceeded with the meeting.

Consideration of Agenda

Chairman Jeffrey Jennings added *Item 7. A.1. Personnel – Section 8. Vacation Leave* to the agenda.

County Manager Randell Woodruff requested that *Item 12. Closed Session, 2. Economic Development* be added to *Closed Session* and that *Item 4. Consent Agenda, J. Resolution No. 2007-11-02* be removed from the agenda until clarification is received.

Commissioner Sandra Duckwall made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Consent Agenda

Commissioner Melvin Jeralds made a motion to approve the Consent Agenda items with the removal of Resolution No. 2007-11-02 until further clarification is received. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

- **(Consent Agenda)**
- October 15, 2007 Regular Meeting Minutes subject to correction of typographical and technical errors.
- Authorization to Collect – July Renewals

STATE OF NORTH CAROLINA

COUNTY OF CAMDEN

TO: The Tax Administrator of Camden County (July Ren. Due 11/01/2007)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon personal property of the respective taxpayers in the County of Camden, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell personal property of such taxpayers for and on account thereof, in accordance with the law.

SOUTH MILLS	COURTHOUSE	SHILOH	TOTAL
20,989.19	20,964.30	10,705.33	52,658.82

Witness my hand and official seal this 5th day of November, 2007.

Chairman, Camden County Board of Commissioners

Attest:

Clerk to the Board of Commissioners of Camden County

This is to certify that I have received the tax receipts and duplicates for collection in the amounts as listed herein.

Tax Administrator of Camden County

- Refunds to be Issued by the Finance Office in the amount of \$333.99.
- Tax Releases, Pick Ups & Refunds

Echostar Satellite	\$.06	Release	Understated	9487
	106.09	Pick Up		
	106.03	Refund		
Echostar Satellite	\$ 1.14	Release	Understated	9488
	141.79	Pick Up		
	140.65	Refund		
Enoch Williams	\$865.56	Release	Incorrect Appraisal	9493
	759.68	Pick Up		
	105.88	Refund		
Kenneth Daniels	\$295.85	Release	Military Exempt	9436

Timothy Griffin	\$102.28	Release	Turned in Plates	9447
Jeremy Williams	\$207.29	Release	Military Exempt	9414
Brian Malcolm	\$144.73	Refund	Turned in Plates	9456
Wayne Kallicharan	\$148.22	Refund	Military Exempt	9442
Wayne Kallicharan	\$153.89	Refund	Military Exempt	9443
Toyota Motor Credit	\$149.15	Refund	Turned in Plates	9466

- Albemarle Mental Health 1st Qtr. FY07-08 Monitoring Report
- Budget Amendment 2007-08-BA007

2007-08-BA007
CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the General Fund as follows:

ACCT NUMBERDESCRIPTION OF ACCT		INCREASE	AMOUNT DECREASE
Revenues:			
10360400-434849	NCDC Grant	\$33,500.00	
Expenses:			
104900-548100	NCDC Grant	\$33,500.00	

Grant was not closed out as was scheduled at Budget time.

This will result in a decrease of \$ 0.00 in the Contingency of the General Fund.

Balance in Contingency \$63,464.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 5th day of November, 2007.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

- Set Public Hearing - Special Use Permit Application (UDO 2007-09-05) Commercial Business “Inner Banks Coating” – Christopher Robertson for Nov. 15, 2007
- Set Public Hearing – Special Use Permit (UDO 2007-09-27) E&J Holdings (Blackwater); Wind Turbine for Nov. 15, 2007
- Resolution No. 2007-11-02 – A Resolution of the Camden County Board of Commissioners Requesting Sea Grant Coastal Offices Remain Open

Resolution No. 2007-11-02

**A RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS
REQUESTING SEA GRANT COASTAL OFFICES REMAIN OPEN**

WHEREAS, North Carolina Sea Grant works with individuals, groups, government agencies, local governments and businesses in an effort to help all understand the State’s coastal environment and to promote the sustainable use of marine resources; and

WHEREAS, North Carolina Sea Grant provides peer reviewed, scientific research, outreach programs and other services to coastal communities and has a reputation as a reliable source for practical solutions to problems and issues that arise in coastal areas; and

WHEREAS, the Camden County Board of Commissioner’s understands that the State of North Carolina is considering closing the North Carolina Sea Grant satellite offices located in the coastal communities that Sea Grant serves and has decided to run Sea Grant programs out of a central office in Raleigh; and

WHEREAS, by having its scientists and other employees located in the coastal communities, Sea Grant has first hand, onsite knowledge of the issues and problems facing coastal communities and their citizens, and with its scientific expertise, outreach programs, communication skills and ability to find practical solutions to complex problems, has developed into a valuable and trusted resources in the search for solutions to the problems and the issues facing the coastal communities in which they live; and

WHEREAS, the closing of the coastal Sea Grant offices will cause the Sea Grant program to lose touch with the local communities, will remove a successful and valued resource for individuals, businesses and local governments and will end a successful and cooperative effort between Sea Grant and those that they serve in finding real, practical and science based answers to the problems facing coastal communities; and

WHEREAS, with storm water issues and other coastal concerns now in the fore front of state and local officials, the closing of the Sea Grant satellite offices will cause the local communities to lose those scientists who are most familiar with the issues, scientific solutions and impacts of these issues upon local communities and to lose a valuable and vital resource in the efforts of all to resolve these issues; and

WHEREAS, the Camden County Board of Commissioners believe that the closing of the Sea Grant offices in the coastal communities will be detrimental to the resolution of the environmental issues affecting coastal communities and will further remove those who are vital in finding practical and science based solutions to those issues from the areas most impacted by rules and regulations imposed from Raleigh.

NOW, THEREFORE, BE IT RESOLVED that the Camden County Board of Commissioners requests that the State of North Carolina continue to fund the North Carolina Sea Grant coastal satellite offices as they offer a valuable and irreplaceable resource to the people, businesses and local governments in the coastal communities; provide scientists familiar with the local waters, topography, estuarine systems and complex issues facing the coastal areas of our state; and provide immediate feedback and assistance to businesses, citizens and local governments in the ongoing effort to resolve coastal issues together.

This the 5th day of November, 2007.

(SEAL)

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus
Clerk to the Board

• **(End of Consent Agenda)**

Old Business - Consideration of Ordinance No. 2007-10-01 – Rezoning Application – Tracy Swain – UDO 2007-07-30

Chairman Jeffrey Jennings stated for clarification that Mr. Swain requested rezoning to R-3-1 and the property located across the street is R-2, which is a 40,000 sq. ft. minimum; and that Mr. Swain is requesting a R-3-1 one (1) acre.

Planning Director Dan Porter confirmed Mr. Jennings statements.

Commissioner Mike Andrews made a motion to approve Ordinance No. 2007-10-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Ordinance No. 2007-10-01

**An Ordinance
Amending the Camden County
Zoning Map
Camden County, North Carolina**

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Map of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 20, 1993, and subsequently amended.

Article II. Amendment to Zoning Map

The Official Zoning Map of Camden County, North Carolina, which was adopted on December 20, 1993, and subsequently amended, is hereby amended as follows:

The properties currently shown in the Camden County Tax Assessor's Office as PIN's 01-7979-00-94-5653) is hereby re-zoned from General Use District (GUD) to Basic Residential (R3-1)

Article III. Penalty

1. Violations of the provision of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable by a fine of up to five-hundred (\$500) dollars or a maximum thirty (30) days imprisonment as provided in G. S. 14-4.
2. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of one-hundred (\$100) dollars for each day the violation continues. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Article 151.568 and did not take an appeal to the Board of Adjustment within the prescribed time.
3. This Ordinance may also be enforced by any appropriate equitable action.
4. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
5. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Article IV. Severability

If any language in this Ordinance is found to be invalid by a court of competent jurisdiction or other entity having such legal authority, then only the specific language held to be invalid shall be affected and all other language shall be in full force and effect.

Article V. Effective Date

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this 5th day of November 2007.

County of Camden

(SEAL)

Jeffrey B. Jennings, Chairman

ATTEST:

Ava Gurganus
Clerk to the Board

Old Business - Consideration of Special Use Permit Application – UDO 2007-08-15 – Special Events – Ted & Brenda Nash

Commissioner Melvin Jeralds asked Dan Porter if the auction tent would be taken down after each public auction was held.

Commissioner Melvin Jeralds made a motion to approve UDO 2007-08-15 on the condition that the tent be relocated back from the existing location, approximately one (1) width of tent back and allowed to remain in position between auction sales.

Commissioner Mike Andrews asked the County Attorney if the Board approves the motion on the floor, is this opening up to others to erect business tents.

County Attorney John Morrison replied, yes.

Commissioner Mike Andrews inquired if the property owner will be required to have liability insurance, to which Planning Director Dan Porter replied that the county does not require that in the conditions of the Special Use Permit.

Chairman Jeffrey Jennings called for a vote on the motion on the floor.

The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Old Business - Consideration of Special Use Permit Application – Camden County - UDO 2007-09-20 – Telemetry Towers (Sewer)

Commissioner Melvin Jeralds made a motion to approve UDO 2007-09-20. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Personnel – Grade Level for Personnel Coordinator and Code Enforcement Officer

Commissioner Sandy Duckwall made a motion to approve Grade Level 65 for Personnel Coordinator and Grade Level 66 for Code Enforcement Officer/Building Inspector. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Personnel – Section 8. Vacation Leave: Maximum Accumulation

Commissioner Melvin Jeralds made a motion to approve *Section 8. Vacation Leave: Maximum Accumulation*, effective January 1, 2008. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Surplus Items

Commissioner Melvin Jeralds stated that the funds received from the sale of the 1996 Land Rover would be given to the Schools.

Commissioner Sandy Duckwall made a motion to declare the following items surplus:

2003 White Ford Crown Vic #2FAHP71W93X198261 96,417 miles
1997 Dark Blue Ford Crown Vic #2FALP71W2VX117615 146,580 miles
1996 Land Rover #5ALPV1441TA327534 Unknown Mileage

The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Commissioner Melvin Jeralds made a motion to set bid opening for Thursday, November 29, 2007 at 4:30 p.m. in the County Manager's conference room. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

County Manager's Report

- Reported on attending meeting in Raleigh with Chairman Jeffrey Jennings in opposition of the OLF
- Video taping of Commissioner meetings: Equipment cost of \$7,500.00
- Joint Meeting with Board of Education, 11:00 a.m. on December 3
- Rural Center Work Session in Plymouth

Other Matters

County Manager Randell Woodruff received information and recommended approval of Resolution No. 2007-11-01.

Commissioner Melvin Jeralds made a motion to approve Resolution No. 2007-11-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

Approved Resolution No. 2007-11-01 reads as follows:

Resolution No. 2007-11-01

A RESOLUTION IN SUPPORT OF TOBACCO-FREE ENVIRONMENTS

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and

WHEREAS, the 2006 Surgeon General's Report on the health consequences of involuntary exposure to tobacco smoke states that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, the 2006 Surgeon General's Report documents that separating smokers from nonsmokers, cleaning the air, and ventilating smoke cannot eliminate exposure to secondhand smoke; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and

WHEREAS, exposure to secondhand smoke is costly, costing the nation \$10 billion per year, \$5 billion in direct medical care costs, and \$5 billion in indirect costs according to the 2005 Society of Actuaries; and

WHEREAS, the vast majority of North Carolinians (77.4% of adults) do not smoke; and

WHEREAS, the 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and

WHEREAS, the use of tobacco products other than cigarettes may lead to chronic health conditions, and those products include chewing tobacco, dipping tobacco products, smokeless tobacco, pipes, and cigars; and

WHEREAS, Albemarle Regional Health Services buildings are smoke-free, now therefore, the Board of Health resolves that Albemarle Regional Health Services prohibits the use of tobacco products in accordance with G.S.130A-498 at any time on the campus including buildings, parking lots, other grounds and property, and transportation vehicles owned, leased, operated, maintained, or occupied by Albemarle Regional Health Services and seeks support from Camden County to uphold and adhere to the stated regulations to be effective on January 1, 2008.

This is the 5th day of November, 2007.

(SEAL)

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus
Clerk to the Board

Closed Session

Commissioner Melvin Jeralds made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consultation with Attorney and pursuant to G.S. 143-318.11(a)(4) for the purpose of discussing economic development. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

The Commissioners entered closed session at 8:43 a.m.

Commissioner Sandy Duckwall made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 9:02 a.m.

Adjourn

There being no further business, Commissioner Mike Andrews made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; Commissioner Philip Faison absent; and no Commissioner not voting.

The meeting adjourned at 9:03 a.m.

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus
Clerk to the Board